

**SUMMER VILLAGE OF GHOST LAKE
LAND USE BYLAW 195
Consolidated copy including amending Bylaws 208 , 211**

This consolidation is not considered the official bylaw, please refer to original bylaws

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SUMMER VILLAGE OF GHOST LAKE BYLAW NUMBER 195

Pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, (hereinafter referred to as the “Act”) the Council of the Summer Village of Ghost Lake in the Province of Alberta, duly assembled, hereby enacts as follows:

SECTION 1.0.0 – GENERAL

1.1.0 PURPOSE

The purpose of this Bylaw is to prohibit or regulate and control the use and development of land and buildings within the Municipality to achieve the orderly and economic development of land, and for that purpose, to:

- (a) divide the Municipality into districts;
- (b) prescribe and regulate for each district the purposes for which land and buildings may be used;
- (c) establish the office of Development Officer;
- (d) establish a method of making decisions on applications for development permits, including the issuing of development permits;
and
- (e) prescribe a procedure to notify owners of land likely to be affected by the issuing of a development permit.

1.1.1 Furthermore, this Land Use Bylaw recognizes the existing development in the Municipality and considers each development to be either legally conforming or legally non-conforming, as defined in the Municipal Government Act. The purpose of this Land Use Bylaw is to guide and direct development activities that occur after the adoption of this Bylaw, in accordance with the standards established herein.

1.2.0 INTERPRETATION

In this Bylaw the following terms have the following definitions. In so far as discord may arise with any definition within the Municipal Government Act, the Act shall prevail:

- (1) **“accessory building”** means a building which is subordinate, or

- incidental, to the principal building located on the same lot;
- (2) “**accessory use**” means a use of land which is subordinate, or incidental, to the principal use;
 - (3) “**Act**” means the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta, 2000; and amendments thereto;
 - (4) “**basement**” means that portion of a building between two floor levels which is mostly underground and does not have more than 1 m (3.28 feet) of its height from basement floor to finished main floor above finished grade;
 - (5) “**bi-level**” means a home built on two levels with the lower level partly in the ground and its upper floor not more than 1.4 m (4.59 feet) above finished grade;
 - (6) “**building**” means anything constructed on, in, over, or under land within the Municipal boundaries, or anything constructed elsewhere and placed on, in, over, or under land within the municipal boundaries, but does not include a highway or public roadway;
 - (7) “**building height**” means the vertical distance between the highest point of a building and the finished grade at the perimeter of the building, not inclusive of chimneys, skylights, antennae, and other such additions or attachments. On sloped lots the building height shall be determined by taking the average of the two heights measured where the building meets the finished grade at its highest and at its lowest points on the slope;
 - (8) “**carport**” means a building consisting of a roof supported on posts or columns and which is not enclosed. However, when one side is attached to the principal building or an accessory building on a lot, the area of the carport is included in the area of the building to which it is attached;
 - (9) “**community buildings and facilities**” means buildings and facilities which are available for the use and enjoyment of the inhabitants of the municipality for the purposes of assembly, culture and recreational activity, as well as for the storage of municipal equipment;
 - (10) “**Council**” means the elected Council of the Summer Village of Ghost Lake;
 - (11) “**development permit**” means a document issued pursuant to the

provisions of this Bylaw;

- (12) **“discretionary use”** means the use of land or of a building which is listed in the columns captioned "Discretionary Uses" in the lists of Permitted and Discretionary Uses appearing in this Bylaw for which, subject to the provisions of this Bylaw, a permit may be issued;
- (13) **“dwelling, single-detached”** means a building, excluding a mobile home but including a modular home, which contains only one dwelling unit and, except as otherwise noted in this bylaw, is used for no other purpose;
- (14) **“easement”** means a right of use of land generally for access to other property or as a right-of-way for public utility;
- (15) **“existing”** means existing as of the date of adoption of this Bylaw, or any amendments thereto;
- (16) **“fence”** means a vertical physical barrier constructed out of typical building materials to prevent visual or unauthorized access or both;
- (17) **“foundation”** means the lower portion of a building usually constructed of concrete, masonry or pressure-treated wood, including the footings, which transfers the weight of the building and loads within the building to the ground, and for the purposes of this bylaw includes slab-on-grade;
- (18) **"grade"** means:
 - (i) in residential districts, means the average elevation of the natural level of the ground adjacent to a building at all exterior walls, or the level of the ground established by an approved grade plan; and
 - (ii) in all other districts, the elevation, established by the Municipality's engineer, of the crown of the abutting street. In the event that two grades are involved, the average of the two shall be used as the grade for the lot;
- (18 a) Grade Slip means a document issued by a legal surveyor containing the existing surface grades and elevation for a parcel

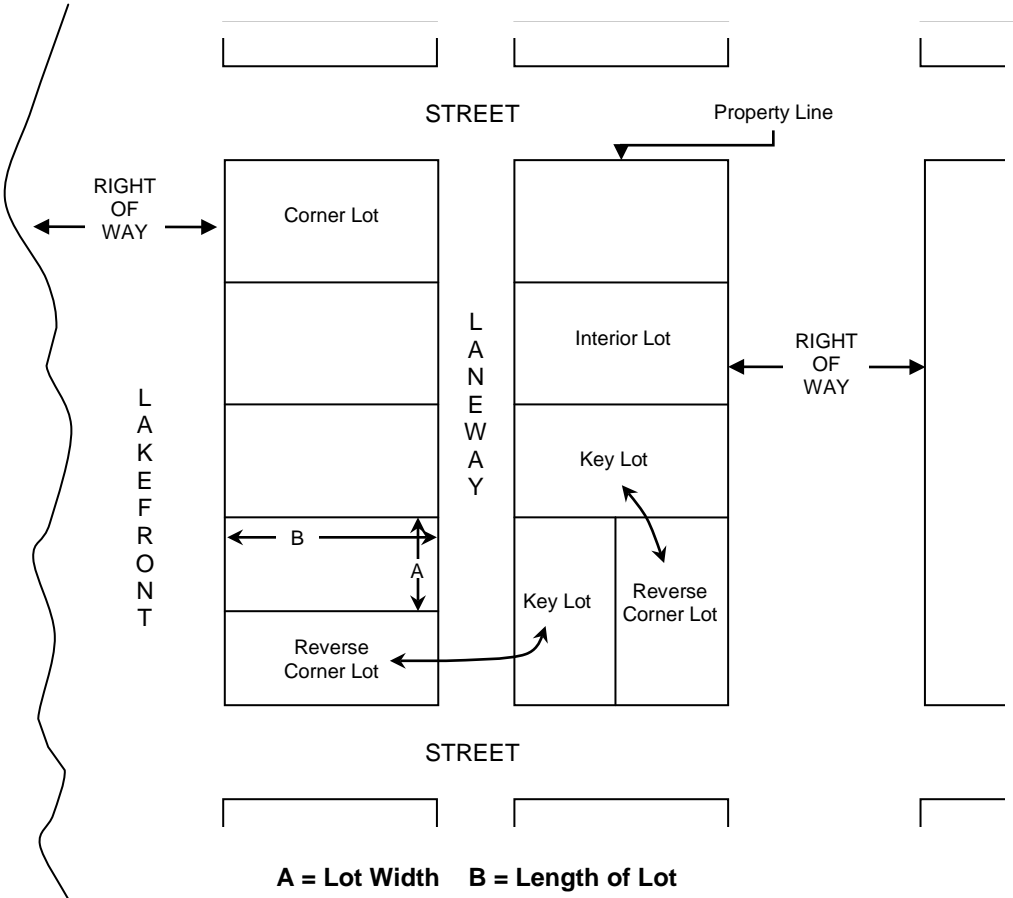
Bylaw 208, Feb 8, 2011

- (19) **“gross floor area”** means the total floor area of the main floor of a

building measured to the outside vertical surface of the exterior walls. For the purposes of determining gross floor area in this Bylaw, areas covered by carports and decks that have a fixed roof, trellis or pergola, are to be included in the total area of the building to which they are attached. The area covered by open decks is not included;

- (20) **“home-based business”** means a secondary use of a dwelling unit and one accessory building by one or more of the permanent residents of such dwelling, to conduct a gainful occupation or business activity;
- (21) **“issue, date of”** means the date a Development Permit or an order is dated and signed by the Development Officer in the course of his duties;
- (22) **“landscaped area”** means an area maintained, changed or modified from the natural so as to make it attractive and desirable by the use of, but not limited to, grass, trees, shrubs, ornamental planting, fencing, walks;
- (23) **“lane”** means a public thoroughfare with a right-of-way width of not greater than 15 m (49.21 ft)) and not less than 6 m (19.69 ft) which provides a secondary means of access to a lot or lots;
- (24) **“loading space”** means a space for parking a commercial vehicle while being loaded or unloaded;
- (25) **“local authority”** means:
 - (i) a municipal authority, as defined in the Act,
 - (ii) a regional health authority under the Regional Health Authorities Act,
 - (iii) a regional services commission, as defined in the Act,
 - (iv) the board of trustees of a district or division as defined in the School Act;
- (26) **“lot”** has the meaning given to it by the Act and, for purposes of this Bylaw, includes the aggregate of the one or more lots described in a title by reference to a plan registered in the Land Titles Office;
- (27) **“lot area”** means the total horizontal area of a lot;

- (28) **“lot, corner”** means a lot wherein the front and the side property line abut one or more streets (see illustration);
- (29) **“lot, reverse corner”** means a corner lot, the rear of which abuts the side of the lot immediately to its rear, with or without a lane or an alley intervening (see illustration);
- (30) **“lot, depth of”** means the mean horizontal distance between the front and the rear boundaries of the lot (see illustration);
- (31) **“lot, interior”** means a lot which is bounded by one street (see illustration);
- (32) **“lot, key”** means an interior lot lying immediately to the rear of a reversed corner lot or corner lot (see illustration);
- (33) **“lot, width of”** means the mean horizontal distance between the side boundaries of a lot (see illustration);
- (34) **“lots, illustrated”**



For illustration purposes only - Not drawn to scale

- (35) “**mobile home**” means a pre-manufactured, of one piece construction not inclusive of porches or push-outs, single detached dwelling designed to be transported on its own chassis with wheels attached, which does not require a permanent foundation as the chassis is self-supporting; and for the purposes of this bylaw includes park model mini-homes;
- (36) “**modular home**” means a pre-manufactured multi-piece structure, with each piece designed to be transported on a flat-bed truck and fastened together at the permanent location to form a single detached dwelling, which must be placed on a permanent foundation, and has a minimum width dimension greater than 7.32 m (24 ft);
- (37) “**Municipality**” means:
- (i) the municipal corporation of the Summer Village of Ghost Lake, and
 - (ii) where the context requires, the area of land contained within the boundaries of the municipality’s corporate limits at the time of adoption of this Bylaw and amendments thereto;
- (38) “**naturescape**” means to create landscaping features that will encourage the growth of native flora and the inhabitation by native fauna;
- (39) “**permitted use**” means the use of land or of a building which is listed in the column captioned, “Permitted Uses” in the lists of Permitted and Discretionary Uses appearing in this Bylaw and for which, when it meets the applicable provisions of this Bylaw, a Development Permit shall be issued, if required;
- (40) “**principal building**” means a building which is the chief or the main one among the buildings on the lot and which constitutes by reason of its use, the primary purpose for which the lot is used;
- (41) “**principal use**” means the use of a lot or of a building which, in the opinion of the Development Officer, constitutes the primary purpose for which the lot is used;

- (42) **“public or quasi-public installation and facilities”** means installations and facilities owned or operated by or for the Municipality, the Provincial Government, the Federal Government or a corporation under federal or provincial statute for the purpose of furnishing services or commodities to or for the use of the inhabitants of the Municipality;
- (43) **“recreational vehicle”** means a vehicle, or a portable structure designed to be either carried on a motor vehicle or towed behind a motor vehicle, the primary purpose of which is to provide temporary living accommodation for travel and/or for recreational purposes, and without restricting the generality of the foregoing includes motorhomes, travel trailers, fifth wheel trailers, tent trailers, and truck campers;
- (44) **“screening”** means a fence, earth berm, or hedge used to visually separate areas or functions, which in the opinion of the Development Officer, detract from the street or neighbouring land uses;
- (45) **"seasonal storage facility"** means an area designated by Council for the seasonal storage of **boats, boat trailers, floating docks and related equipment and subject to more specific guidelines which may be approved by Council from time to time;**
- (46) **“sign”** means anything that serves to indicate the presence or the existence of something, including but not limited to a lettered board, a structure, or a trademark displayed, erected, or otherwise developed and used or serving or intended to identify, to advertise or to give direction;
- (47) **“similar use”** means a specific use of land or of a building that is not expressly mentioned in this Bylaw but which the Development Officer has determined to be similar in character and purpose to be a use listed as a Permitted or Discretionary Use in the district in which such use is proposed;
- (48) **“site plan”** means a plan drawn to scale showing the boundaries of the lot, the location of all existing and proposed buildings upon that lot, the use or the intended use of the portions of the lot upon which no buildings are situated, the location of all proposed and existing utilities, septic tanks and fields, fencing, screening, and landscaped area, the location and species of all existing trees and shrubs that will remain, and the location of shrubs and trees that

will be added during the development;

- (49) “**street**” means a public thoroughfare with a right-of-way width of not less than 15 m (49.21 ft) which provides a primary means of access to a lot;
- (50) “**temporary**” means a period of time up to one (1) year;
- (51) “**temporary building**” means a building constructed without any foundation, or any other building determined by the Development Officer to be temporary, placed on the lot during construction as a condition to the issuance of the development permit, for a period of up to one year;
- (52) “**yard, front**” means the portion of a lot measured from the front property line to all walls of the principal or accessory building facing the front property line;
- (53) “**yard, side**” means the portion of a lot measured from the side property line to all walls of the principal or accessory building facing the side property line;
- (54) “**yard, rear**” means the portion of a lot measured from the rear property line to all walls of the principal or accessory building facing the rear property line;

1.3.0 ESTABLISHMENT OF LAND USE DISTRICTS

1.3.1 For the Purposes of this Bylaw, the land within the boundaries of the Municipality is divided into the following districts:

Residential Single Detached District (R-1)
Public Service District (P-1)

1.3.2 The boundaries of the districts listed in subsection 1.3.0 are as delineated on the Summer Village of Ghost Lake Land Use Map in Schedule A attached hereto, which is hereby adopted by reference to be part of this Bylaw, and may be amended in the same manner as any other part of this Bylaw.

1.3.3 In the event that a dispute should arise over the precise location of a boundary of any District as shown on the Land Use Map, the Council shall decide thereon.

1.4.0 ESTABLISHMENT OF LAND USE DISTRICT REGULATIONS

Land Use District Regulations shall be as set forth in the Schedule of Land Use District Regulations, being Schedule B attached hereto, which is hereby adopted by reference to be part of this Bylaw, and may be amended in the same manner as any other part of this Bylaw.

1.5.0 DISTANCES

Where in this Bylaw measurements and distances are given in both metric and imperial measure, the metric measurement shall govern and the imperial measurement is given purely for convenience as an approximate conversion.

SECTION 2.0.0 – ADMINISTRATIVE AGENCIES

2.1.0 DEVELOPMENT OFFICER

2.1.1 Council hereby establishes the Office of Development Officer, and such office shall be filled by a person or persons appointed by resolution of Council.

2.1.2 The Development Officer is authorized to act on behalf of Council on those matters delegated to him by this Bylaw.

2.1.3 For the purposes stated in the Municipal Government Act, the Development Officer is hereby declared by Council to be an authorized person.

2.2.0 DEVELOPMENT APPEAL BOARD

2.2.1 The Development Appeal Board is authorized to perform such duties as specified in the Municipal Government Act and the Development Appeal Board Bylaw.

SECTION 3.0.0 – DUTIES AND RESPONSIBILITIES OF ADMINISTRATIVE AGENCIES

3.1.0 DEVELOPMENT OFFICER

3.1.1 The Development Officer shall:

- (a) keep and maintain for the inspection of the public during office hours, a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to the public at reasonable charge;
- (b) keep a register of all applications for development, including the decisions thereon and the reasons therefore, and all orders for a minimum period of seven (7) years;

- (c) receive, consider and decide on applications for a Development Permit, and be governed in his consideration and decisions on such applications by this Bylaw and amendments thereto;
- (d) instruct the applicant of an application for a use which is not listed as a "Permitted Use" or "Discretionary Use" in the district in which the building or land is situated, of his option of applying to Council for an amendment to this Bylaw;
- (e) sign and issue all approved development permits;
- (f) decide on time extensions, as referred to in subsection 4.5.9.

3.1.2 When, in the opinion of the Development Officer, sufficient details of the proposed development have not been included with the application for a development permit as set out in Section 4.3.1, the Development Officer will return the application to the applicant for further details. Any application so returned shall be deemed to have not been in its complete and final form and therefore not received by the Development Officer, and will not be in its complete and final form and not received by the Development Officer until all the required details have been submitted to the satisfaction of the Development Officer.

3.1.3 The Development Officer shall not allow the use of land or a building not listed as a "Permitted Use" or "Discretionary Use" in the district in which the building or land is situated.

3.1.4 The Development Officer shall not approve an application for a Development Permit that is not in conformity with the Summer Village of Ghost Lake's statutory plans.

3.1.5 The Development Officer shall approve all applications for a "Permitted Use" with or without conditions, upon the application conforming in all respects to the provisions of this Bylaw.

3.1.6 In making a decision on an application for a development permit for a "Discretionary Use" the Development Officer shall:

- (a) approve the application; or
- (b) approve the application subject to conditions and restrictions considered appropriate or necessary; or
- (c) refuse the application.

3.2.0 DEVELOPMENT REFERRALS

- 3.2.1 The Development Officer may refer for comment any matter or any application for a development permit to any authority deemed necessary.
- 3.2.2 Having received a reply on a matter referred to any authority, the Development Officer shall make a decision giving due consideration to the recommendations received.
- 3.2.3 After thirty (30) days from the date of referral, the application may be dealt with by the Development Officer whether or not comments have been received.

SECTION 4.0.0 – DEVELOPMENT PERMITS

4.1.0 DEVELOPMENTS REQUIRING A DEVELOPMENT PERMIT

- 4.1.1 Except as otherwise provided in this Bylaw, no person shall undertake any development unless:
 - (a) a Development Permit has been first issued pursuant to this Bylaw; and
 - (b) it is in accordance with the terms and conditions of a Development Permit issued pursuant to this Bylaw; and
 - (c) a building permit has been obtained when a Building Bylaw or any other statute, bylaw or legislation so requires; and
 - (d) any other required permits and approvals have been obtained.

4.2.0 DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT

- 4.2.1 Unless otherwise provided, development permits are not required in respect of the following developments. However, prior to construction or implementation of the development, it is advisable for the owner to consult with the Development Officer to ensure that the proposed work meets the overall development guidelines for the Village. As well, such developments shall be carried out or performed in accordance with all applicable legislation, regulations and bylaws:
 - (a) works of maintenance, repair or alteration, on a structure, either internal or external, if in the opinion of the Development Officer, such work does not:
 - (i) include structural alterations, or
 - (ii) change the use of the structure or the land;

- (b) the completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
 - (i) the building is completed in accordance with the terms of any permit granted by the Municipality, subject to the conditions of that permit, and
 - (ii) the building is completed within the time period set out in the development permit, or
 - (iii) if a permit was not required, is completed within a period of twelve (12) months from the date this Bylaw comes into full force and effect;
- (c) the use of any building referred to in Section 4.2.1(b) for the purpose for which construction has commenced;
- (d) the erection, construction or maintenance of fences, walls, gates or any enclosure less than 2 m (6.56 ft) in height provided that the erection of such fence, wall, gate or enclosure does not contravene any other provision of this Bylaw;
- (e) landscaping and naturescaping;
- (f) the erection of an accessory building under 10 m² (107.6 sq ft)
- (g) the construction, maintenance or repair of private walkways, pathways, driveways, or similar works;
- (h) the erection or installation of machinery needed in connection with construction of a building, for the period of the construction;
- (i) the construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement;
- (j) the use by the Municipality of land of which the Municipality is the legal or equitable owner for a purpose approved by a simple majority vote of Council in connection with any public utility carried out by the Municipality;
- (k) the use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum or plebiscite;
- (l) an official notice, placard, or bulletin required to be displayed pursuant to the provisions of Federal, Provincial, or Municipal legislation;

- (m) one temporary, on-site free-standing or fascia sign which does not exceed 1m² (10.67 sq ft) in area or 1m (3.28ft) in height, intended for:
 - (i) advertising the sale or lease of a dwelling unit or property; or
 - (ii) identifying a construction or demolition project for which a development permit has been issued for such a project; or
 - (iii) advertising a campaign or drive which has been approved by Council.
- (n) municipal signs used to indicate street names and for traffic control.

4.3.0 APPLICATION FOR A DEVELOPMENT PERMIT

4.3.1 An application for a Development Permit shall be made to the Development Officer by submitting on the prescribed form signed by the owner or his agent and accompanied by the following:

- (a) a site plan, in duplicate, drawn to scale, showing:
 - (i) legal description of the lot;
 - (ii) dimensions of the lot;
 - (iii) driveway and walkway entrances;
 - (iv) the height, dimensions and relationship to property lines of all existing and proposed buildings and structures including retaining walls and other physical features of the lot;
 - (v) the location of existing and proposed wells, septic tanks, disposal fields, and where applicable, culverts and crossings;
 - (vi) the existing vegetation on the lot that will remain after the development and any proposed landscaping;
- (b) building plans, in duplicate, drawn to scale, showing:
 - (i) floor plans;
 - (ii) elevations;
 - (iii) exterior finishing materials and colours;

- (c) on applications for signs, a replica of the proposed sign drawn to scale;
- (d) a statement of use;
- (e) a statement of ownership of the land and the interest of the applicant therein;
- (f) certificate of title dated within 30 days of application;
- (g) copies of relevant encumbrances on the title;
- (h) a letter of authorization from the registered property owner when the applicant is an agent acting on behalf of the registered property owner;
- (i) the estimated commencement and completion dates;
- (j) Development Permit fee, and other fees, as prescribed by Resolution of Council;
- (k) such additional information as the Development Officer may deem necessary.

4.3.1a An application for a Development Permit for a residential dwelling, excluding uncovered decks, must include a grade slip identifying the grade of the property.
Bylaw 208 Feb 8, 2011

4.3.2 The Development Officer may require additional copies of the application or of plans and specifications.

4.4.0 COMPLIANCE WITH OTHER ACTS, BYLAWS AND REGULATIONS

4.4.1 Compliance with the requirements of this Bylaw does not afford relief from compliance with Part 17 of the *Municipal Government Act*, as amended, or the regulations made pursuant to that Part, or any other Federal, Provincial or Municipal legislation.

4.5.0 ISSUANCE OF DEVELOPMENT PERMITS

4.5.1 A development permit issued pursuant to this Bylaw is not a Building Permit and, notwithstanding that plans and specifications for buildings may have been submitted as part of an application for a development permit, work or construction shall neither commence nor proceed until a Building Permit has first been issued pursuant to all applicable statutes, bylaws and regulations.

- 4.5.2 When an application for a development permit for a Permitted Use as described under section 9.2.0 is approved, with or without conditions, the Notice of Decision shall be mailed by ordinary mail to the applicant and to the adjacent landowners, and the Development Officer shall take the necessary steps to ensure that a notice of the decision is conspicuously posted on or near the front property line of the lot for which the application has been made, and on the Village notice board.
- 4.5.3 When an application for a development permit for a Discretionary Use as described under section 9.3.0 is approved, with or without conditions, the Notice of Decision shall be mailed by ordinary mail to the applicant and to the adjacent landowners, and the Development Officer shall take the necessary steps to ensure that a notice of the decision is conspicuously posted on or near the front property line of the lot for which the application has been made and on the Village notice board.
- 4.5.4 When an application for a development permit is refused, the Notice of Decision shall be mailed to the applicant by ordinary mail.
- 4.5.5 For purposes of this Bylaw, Notice of Decision of the Development Officer on an application for a development permit is deemed to have been given on the date the Notice of Decision is sent by ordinary mail to the affected property owner(s).
- 4.5.6 A development permit shall not be issued until fourteen (14) days after the Notice of Decision has been given pursuant to this Bylaw and all conditions required to be met prior to issuance of a development permit have been met.
- 4.5.7 When an appeal is made pursuant to Section 5.0.0, a Development Permit which has been approved shall not be issued unless and until the decision of the Development Officer has been sustained by the Development Appeal Board.
- 4.5.8 When an application for a development permit has been refused pursuant to this Bylaw or ultimately after appeal pursuant to Section 5.0.0, the submission of another application for a development permit on the same parcel of land and for a similar use of the land, by the same or any other applicant, shall not be accepted by the Development Officer for a period of 90 days after the date of the Development Officer's refusal.
- 4.5.9 If the development authorized by a development permit is not commenced within twelve (12) months from the date of its issue, and completed within twenty-four (24) months of the date of its issue, the permit shall expire, unless an extension to either period shall first have been granted by the agency that made the decision, that is, the Development Officer or the Development Appeal Board.
- 4.5.10 When the Development Officer refuses an application for a development permit, the decision shall contain the reasons for the refusal.

4.6.0 FORMS AND NOTICES

4.6.1 For the purpose of administering the provisions of this Bylaw, Council, by resolution, shall authorize the preparation and the use of such forms or notices as are deemed to be necessary. Any such forms or notices have the full force and effect of this Bylaw in execution of the purpose for which they were designed, authorized, and issued.

4.6.2 The forms and notices authorized by Council pursuant to this Bylaw may be posted, issued, served or delivered in the course of his duties by an official of the Municipality.

4.7.0 CONDITIONS OF DEVELOPMENT

4.7.1 The Development Officer is hereby authorized to impose conditions of development permit approval in respect of either permitted or discretionary uses as follows:

- (a) requiring the applicant to enter into a development agreement in accordance with the Act;
- (b) requiring the applicant to comply with Council policies and bylaws that apply to the approved development;
- (c) ensuring the applicant complies with this Bylaw and relevant statutory plans;

4.7.2 The Development Officer shall ensure that the following conditions are imposed on the construction or erection of all accessory buildings;

- (a) Only one accessory building shall exceed 18.5 m² (199.13 sq ft) in area;
- (b) The accessory building that is larger than 18.5 m² (199.13 sq ft) shall be constructed with exterior building materials complementary to those of the principal building;
- (c) There shall be a maximum of one teepee per lot, not larger than 18.5m² (199.13 sq ft)
- (d) There shall be a maximum of one fabric garage per lot, not larger than 18.5m² (199.13 sq ft)

4.7.3 The Development Officer may impose conditions limiting the length of time that a development permit may continue in effect.

- 4.7.4 In accordance with the Act and Section 4.7.1(a), the Municipality may register a caveat against the parcel that is the subject of the development permit. After completion of the terms of the agreement, the Municipality will discharge the caveat upon request of the landowner.
- 4.7.5 The Development Officer may require the applicant to repair or reinstate or to pay for the repair or reinstatement to original condition any roads, municipal signage, curbing, sidewalk, boulevard landscaping, and tree planting, which may be damaged, destroyed, or otherwise harmed during construction of a development.
- 4.7.6 The Development Officer shall not issue a permit for a development which is to be serviced by private sewer and water systems until the systems have been approved by the appropriate Municipal and Provincial departments.
- 4.7.7 In addition to the specific restrictions, limitations, and conditions set out elsewhere in this Bylaw with respect to specific developments or developments in general, the Development Authority may attach all or any of the following conditions to development permits approved in respect of both permitted and discretionary uses:
- a) a condition designed to bring a proposed development into conformity with the Land Use Bylaw;
 - b) a condition requiring delivery to the Development Officer of copies of any engineering, geological or other scientific reports, plans, designs or test results required to be delivered to any governmental authority having jurisdiction over the development or any aspect of it;
 - c) a condition that the applicant enter into an agreement with the municipality regarding construction of access roads and approaches off municipal roads required in respect of the proposed development;
 - d) a condition related to the handling and removal of garbage or refuse created by the proposed development;
 - e) a condition or conditions in respect of the method of handling and disposition of sewage created by the proposed development;
 - f) a condition requiring that certain specified conditions of approval (which may be designated "pre-release conditions") be performed prior to release of the approved development permit.
- 4.7.8 In addition to the conditions referred to in Section 4.7.7, the Development Officer may attach the following conditions to a development permit issued in respect of a discretionary use:

- a) a condition that notice of approval of a development is circulated more extensively than is required by Section 4.5.2 and 4.5.3 of this Bylaw;
- b) a condition imposing more restrictive limitations in respect of a development than those set out in the general land use rules established for the various land use districts created by this Bylaw.

4.7.9 The applicant for a development permit and the applicant's personal representative, successors, and assigns shall at all times comply with all conditions attached to the approved development permit. Breach of any condition shall be deemed to be a breach of this Bylaw.

SECTION 5.0.0 – APPEALS

5.1.0 APPEAL PROCEDURE

5.1.1 The Municipal Government Act governs the procedures to appeal any decision of the Development Officer.

SECTION 6.0.0 – ENFORCEMENT

6.1.0 RIGHT OF ENTRY

6.1.1 The procedures for right of entry are governed by the Municipal Government Act.

6.2.0 CONTRAVENTION

6.2.1 The authority regarding contravention of this Bylaw is governed by the Municipal Government Act.

6.2.2 The Development Officer may revoke or suspend a development permit if:

- a) the development permit or a condition of approval is not complied with;
- b) the development permit was issued in error;
- c) the development permit was issued based upon misrepresented facts, incorrect information, or non-disclosure of information.

6.3.0 OFFENCES AND PENALTIES

6.3.1 Any person who refuses to comply with the provisions of this bylaw is guilty of an offence and is liable on summary conviction to a fine or imprisonment in

accordance with the Act.

SECTION 7.0.0 – AMENDMENTS AND VARIANCES

7.1.0 AMENDMENT PROCEDURE

7.1.1 The authority regarding amendments to the Bylaw is governed by the Municipal Government Act.

7.2.0 VARIANCES

7.2.1 VARIANCE AUTHORITY

7.2.2 The authority regarding non-conforming buildings and uses to the Bylaw is governed by the Municipal Government Act.

7.2.3 The Development Officer may allow a minor variance to a maximum of 10% of any or all of the following requirements where such variance does not unduly affect the amenity, use or enjoyment of the lot or of the neighboring properties:

(a) yard setbacks

- (i) front
- (ii) one side
- (iii) rear

(b) height of buildings.

SECTION 8.0.0 GENERAL LAND USE REGULATIONS AND PROVISIONS

8.1.0 SITE DIMENSIONS

8.1.1 A proposed development on a lot may be allowed even though the lot does not meet either the minimum lot area or minimum lot width prescribed for the District in which the lot is located, provided the proposed development meets all other requirements of this Bylaw.

8.2.0 SPECIAL SETBACK REQUIREMENTS

8.2.1 Lots other than corner lots which have frontages on two streets are recognized as having two front yards and the development shall comply with the setbacks for the respective district.

8.2.2 The setback provisions of this Bylaw do not apply to:

- (a) private utilities;
- (b) surface parking;
- (c) fences;
- (d) foundation construction wholly beneath the ground.

However, these structures and improvements shall remain wholly within the lot upon which they are located.

8.2.3 The structures, listed on the following table, may project into the minimum distances required for yards but must remain wholly within the lot upon which the structure is located:

Structure	Yard in Which Projection is Permitted	Maximum Projection Into The Minimum Yard Setback (within the lot)
Sills, Cornices, Gutters, Chimneys, Pilasters, Canopies, Awnings, Eaves	Any Yard	610 mm
Steps, Landings, Staircases (attached to principal building and providing direct access to the principal building from the ground)	Front and Rear Yards only Side Yards	1.5 m 610 m; 1.5 m, when constructed of non-combustible materials
Window Bays, Cantilevers	Front and Rear Yards only Side Yards	1 m 610 mm
Balconies, Decks, Terraces, Porches, Verandas (including	Front Yards Rear Yards	2.0 m 3.5 m

steps, landings, eaves, and cornices)	Side Yards	610 mm
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(a) Where more than one (1) projection into a minimum yard setback is proposed, the maximum permitted projection for all combined structures shall be the greatest permitted projection for one (1) of the structures in accordance with Section 8.2.3, and the maximum length of the projections shall be 35% of the building wall, excluding an attached garage wall.

(b) Notwithstanding Sections 8.2.3 if the side yard setback is equal to or greater than 1.5 m, the maximum permitted projection is 750 mm. If the proposed side yard setback is less than 1.5 m, then the maximum permitted projection is 610 mm.

8.3.0 UTILITIES

8.3.1 Notwithstanding any right or implied right to develop pursuant to this Bylaw, the Development Officer shall require the person who proposed a development to make provision to his satisfaction for the supply to such development of electric power, water, sewerage, street access and any other facilities.

8.3.2 When any services or facilities are required pursuant to Section 8.3.1, a person shall not begin excavation for the foundation nor commence the development until he has made provision for such services or facilities to the satisfaction of the Development Officer.

8.4.0 PARKING AND LOADING FACILITIES

8.4.1 Parking and loading spaces shall be provided on-site in accordance with the following table.

MINIMUM NUMBER OF SPACES

USE OF BUILDING	PARKING	LOADING
Community Buildings	1 space/9 m ² (96.8 sq ft)	1
Residential	2 outdoor spaces/dwelling unit	0

8.4.2 A parking space shall be located on the same lot as the building for which it is required, and shall be designed and located so that:

- (a) it is easily accessible to the vehicle intended to be accommodated there;
- (b) it can be properly maintained;

- (c) it is satisfactory to the Development Officer in size, shape, location, grading and construction.

8.4.3 A parking space shall have an area of not less than 15 m² (161.46 sq ft) and shall be not less than 2.5 m (8.2 ft) in width and 6 m (19.68 ft) in length.

8.5.0 ACCESSORY BUILDINGS

8.5.1 Accessory buildings may be constructed on a residential lot in accordance with the requirements of this Bylaw. Accessory buildings shall only be constructed or erected when a principal building already exists on the lot. In the case where a single development permit for both the principal building and the accessory building is approved and issued and both are constructed in the same time period, the principal building is to be completed first. Work on the accessory building is not to proceed past the lock-up stage required for storage of materials and tools until the principal building is complete.

8.5.2 If no principal building exists on the property and a permit is obtained for the development of a principal building and accessory building under the same permit, and the principal building is not completed within two (2) years of the issuance of the development permit, the owner shall neither complete nor use the unfinished accessory building.

8.5.3 All accessory buildings shall be located at least 3 m (9.84ft) from any principal building.

8.5.4 Notwithstanding Section 8.5.3, when a building used or proposed to be used as an accessory building is located or proposed to be located closer to a principal building than 3 metres (9.84 feet) it shall be set on a foundation and connected by common walls and a common roof.

8.5.5 For the purpose of calculating yard setbacks, gross ground floor area, and site coverage requirements as provided in this Bylaw, when an accessory building is attached to the principal building, it shall be deemed to be part of the principal building.

8.5.6 An accessory building erected on a lot in any residential district shall not be used as a dwelling.

8.5.7 An accessory building shall not be constructed within the minimum front, side or rear yard setbacks as stated in section 9.5.0

8.6.0 ACCESSORY USE OF LAND

8.6.1 On R-1 lands the orderly storage or placement of items that would normally be located within a single family residential development is a legal accessory use of the land and includes, without restricting the generality of the foregoing, vehicles, watercraft, building materials and other common materials, recreational vehicles, recreational equipment, various other equipment, barbecues, swing sets and outdoor furniture.

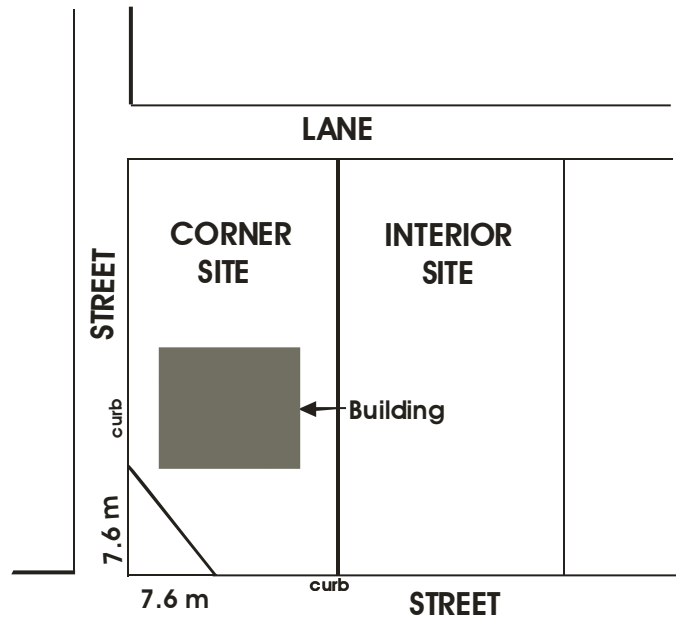
8.6.2 Accessory use of land is not permitted until the principal building is completed, except during the period of construction and under the issuance of a Development Permit.

8.7.0 LANDSCAPING AND FENCING

8.7.1 Any area disturbed by construction must be returned to its natural state or be naturescaped or landscaped to enhance the appearance of the lot, thereby complementing the development thereon and maintaining the amenity of the neighborhood.

8.7.2 Notwithstanding any other provision contained in this Bylaw, no person shall place or maintain any object, structure, driveway, hedge, shrub, or tree which has a height higher than one meter (1 m) in or on that part of a corner lot located within Residential and Public Service Districts which lies within a triangle formed by a straight line drawn between the point where they intersect as illustrated by the sketch

below:



8.7.3 Except as hereinafter provided, a person shall not construct a fence in any

district which is higher than:

- (a) 1.23 m (4.0 ft) in the front yard
- (b) 2.0 m (6.56 ft) in the side or rear yard
- (c) notwithstanding (a) and (b) above, lots in Blocks 1, 2 and 3 shall not have a fence higher than 1.23m (4.0 ft) in the front or the rear yard.

8.7.4 Notwithstanding Section 8.7.3 the height of a fence in a Public Service District shall be determined by the Development Officer.

8.7.5 No barbed wire or electric fences shall be constructed unless such fences are located on a Municipality boundary and approved by the Development Officer.

8.7.6 All open excavations, deemed dangerous by the Development Officer shall be fenced and gated with a safety fence not less than 1.23m (4.0 ft) in height and no higher than 2.0 m (6.56 ft) in height.

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8.8.0 SCREENING, OUTSIDE STORAGE AREAS, AND GARBAGE STORAGE

8.8.1 Garbage shall be stored in weatherproof and animal proof containers and screened from adjacent lots and public thoroughfares.

8.8.2 Outside storage areas shall be screened from adjacent lots and thoroughfares.

8.9.0 RELOCATION OF BUILDINGS

8.9.1 Mobile Homes are not permitted within the municipality.

8.9.2 Any person making application to move an existing building into the Municipality or relocate an existing building within the Municipality as a main or accessory building shall:

- (a) make the usual application for a Development Permit;
- (b) provide photographs of the building showing each elevation and the general condition of the building; and
- (c) state the present location and use of the building.

8.9.3 The Development Officer may, at his discretion, inspect the building, or cause the building to be inspected by a person he appoints, and shall determine the suitability of the building for the proposed use.

8.9.4 The Development Officer may, at his discretion, require that certain works of structural alterations, repair, maintenance of the building or upgrades to satisfy current code requirements and preparation of the proposed site be carried out as a condition of the issue of the permit.

8.9.5 If these works are to be done after the building is moved into the proposed site, the Development Officer may require that a performance bond in favour of the Municipality be posted, substantially equal to the cost of the necessary works. The bond shall be released upon satisfactory completion of the work, but shall be forfeited if the work is not completed in accordance with the requirements of the development permit.

8.10.0 NON-CONFORMING USES AND NON-CONFORMING BUILDINGS

8.10.1 Non-conforming uses and non-conforming buildings are governed by the Municipal Government Act.

8.11.0 LAND NEAR WATER OR ESCARPMENTS, OR SUBJECT TO FLOODING OR SUBSIDENCE

8.11.1 Development on land that is subject to overland flooding or rising ground water or subsidence or is marshy or unstable is discouraged. The Development Officer shall require engineering reports when development is proposed on any land that is considered to be suspect, and shall consider those reports when deciding if a development permit should be granted, and what conditions will be attached to that permit.

8.12.0 DRAINAGE

8.12.1 Any area requiring landscaping or topographic reconstruction shall be landscaped and/or reconstructed so that the finished surface contours do not direct surface drainage onto an adjacent lot.

8.12.2 The on-site parking shall be provided in the manner shown on the approved site plan with the entire area to be graded so as to ensure that the finished surface contours do not direct surface drainage onto an adjacent lot.

8.13.0 CONTROLLED APPEARANCE

8.13.1 The design, character, and appearance of any building, or series of buildings, structure, or sign proposed to be erected or located in any district, must be acceptable to the Development Officer having due regard to the amenities and

the character of adjacent properties and of other existing development in the district, as well as to its effect on adjacent districts.

8.14.0 LOCATION OF SATELLITE DISHES

8.14.1 A dish antenna structure less than 1.0 m (3.28 ft) in diameter may be secured to any wall or roof of a principal or accessory building.

8.14.2 An antenna structure erected on the ground shall be located in a rear yard or a side yard. An antenna structure may be located on the ground in the front yard only when signal reception is not possible in the side or rear yard.

8.14.3 Where any part of a ground antenna structure is more than 3.0 m (9.84 ft) above grade level, it shall be landscaped to screen the base of the antenna and reduce the visual impact on adjacent properties to the satisfaction of the Development Officer.

8.14.4 No advertising shall be allowed on an antenna structure.

8.14.5 Illumination of an antenna structure is prohibited.

8.15.0 HOME BASED BUSINESS

8.15.1 The following regulations shall apply to home based businesses:

- (a) A Development Permit issued for a home based business entitles the applicant to conduct such business in the residence specified in the application, subject to the conditions detailed in the following sections, and subject to any additional conditions that may be attached to the Development Permit;
- (b) Home based businesses shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood;
- (c) Home based business shall be an incidental and subordinate use to the residential use of the lot and shall be limited to a maximum of 30% of the combined gross floor area of the principal residence and one accessory building.
- (d) The home based business shall not have outside storage of material goods or inventory on the lot;
- (e) The home based business shall not create a nuisance by way of dust, noise, odour or smoke;

- (f) The home based business shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the District in which it is located;
- (g) Employees working in the residence in which the home based business is located shall be limited to the residents of that dwelling unit. Notwithstanding this, persons other than residents of the dwelling unit may be employed on a job site at another location;
- (h) Commercial advertising related to the home based business shall not be visible from the outside of the building;
- (i) Bed and Breakfast operations are not permitted;
- (j) Exterior alterations, additions, or renovations relating to the home based business are not permitted. Interior alterations, additions, or renovations relating to the home based business may be allowed, provided they comply with the Municipality's Bylaws and the Alberta *Safety Codes Act*;
- (k) A home based business permit does not exempt compliance with health regulations or any other municipal, provincial or federal permit requirements;
- (l) If at any time any of the requirements for a home based business are not complied with, the Development Officer may suspend or cancel a Development Permit;
- (m) A Development Permit that has been granted for a home based business is considered to be valid for the time the business is in continual operation providing the business does not substantially change its operations as stated in the original approval, and does not change its location within the Village.

SECTION 9.0.0 – RESIDENTIAL SINGLE-DETACHED DISTRICT (R-1) LAND USE RULES

9.1.0 PURPOSE AND INTENT

9.1.1 The purpose and intent of this District is to provide land for single-detached residential dwellings.

9.2.0 LIST OF PERMITTED USES

9.2.1 Single Detached Dwellings

9.3.0 LIST OF DISCRETIONARY USES

9.3.1 Accessory Buildings

9.3.2 Accessory Uses

9.3.3 Home Based Business

9.3.4 Signs

9.4.0 GENERAL REQUIREMENTS FOR PERMITTED AND DISCRETIONARY USES

9.4.1 In addition to the other provisions in this by-law, the provisions as contained in this section shall apply to every development in this District.

9.5.0 MINIMUM REQUIREMENTS

9.5.1 Area of Lot: 3100 m²

Bylaw 211 Feb 8, 2011

9.5.2 Width of Lot: 22 m

Bylaw 211 Feb 8, 2011

9.5.3 Front Yard:

- (a) Adjacent to a municipal street: 6 m (19.69 ft)
- (b) Notwithstanding (a) above, adjacent to Highway 1A: 27 m (88.58 ft)
- (c) Notwithstanding (a) above, the lots in Blocks 1 and 2 shall be considered as having their frontage on the side facing the waterfront, and the lots in Block 3 shall be considered as having their frontage on the street.

9.5.4 Side Yards:

- (a) Principal Buildings: 1.5 m (4.92 ft)
- (b) Accessory Buildings: 1.5 m (4.92 ft)

9.5.5 Rear Yards:

- (a) Principal Buildings: 3 m (9.84 ft)
- (b) Accessory Buildings: 3 m (9.84 ft)

9.5.6 Gross Ground Floor Area:

- (a) Single-Detached Dwellings: 55 m² (592.03 sq ft)

9.6.0 MAXIMUM LIMITS

9.6.1 Gross Ground Floor Area:

- (a) Single-Detached Dwelling: 232 m² (2,497.31 sq ft)
- (b) Accessory Buildings:
 - (i) One accessory building of 58 m² (624.33 sq ft);
 - (ii) Notwithstanding (i) above, for lots with principal buildings greater than 90m² (968.78 sq ft) the size of this accessory building may be increased to 65% of the principal building size, to a maximum of 116m² (1248.66 sq ft);
 - (iii) Additional Accessory Buildings: 47 m² (505.95 sq ft) total of all additional accessory buildings subject to Section 4.7.2 and 9.6.4(c).

9.6.2 Lot Coverage

The total of all gross building areas shall not exceed 35% of the total area of the lot, or 395 m² (4251.92 sq ft), whichever is less.

9.6.3 Height of Buildings:

- (a) Principal Buildings: 5.5 m (18.04 ft)
- (b) Accessory Buildings: 4.3 m (14.11 ft)
- (c) Main Floor of dwelling unit above finished grade: 1.40 m (4.59 ft)

9.6.4 Number of Buildings on the Same Lot:

- (a) one principal building;
- (b) one accessory building larger than 18.5 m² (199.13 sq ft);
- (c) four accessory buildings, each of which is less than 18.5 m² (199.13 sq ft);

(d) six (6).

9.6.5 Number of Dwelling Units: 1 (one)

9.6.6 EXEMPTION

PLAN 6490EL BLOCK 5 LOTS 9, 10 & 11 are exempted from sections 9.5.1 and 9.5.2 if the conditions stated in Subdivision and Development Appeal Board #2-10 decision dated on June 8, 2010 are met, but must have a minimum lot size of 1900 m² and minimum lot width of 18m and a maximum six (6) lots are permitted.

Bylaw 211 Feb 8, 2011

SECTION 10.0.0 – PUBLIC SERVICE DISTRICT (P-1) LAND USE RULES

10.1.0 PURPOSE AND INTENT

10.1.1 The purpose and intent of this District is to provide for both public and privately owned lands for community, educational, and institutional facilities of a service nature.

10.2.0 LIST OF PERMITTED USES

10.2.1 Golf Courses

10.2.2 Picnic Areas

10.2.3 Playgrounds

10.2.4 Public Parks

10.2.5 Sports Fields

10.2.6 Tennis Courts

10.2.7 Marina

10.3.0 LIST OF DISCRETIONARY USES

10.3.1 Accessory Buildings

10.3.2 Accessory Uses

10.3.3 Community Buildings and Facilities

10.3.4 Signs

10.3.5 Seasonal storage facilities

10.4.0 GENERAL REQUIREMENTS

10.4.1 In addition to the other provisions in this by-law, the following provisions as contained within this Section shall apply to every development in this District.

10.5.0 MINIMUM REQUIREMENTS

10.5.1 Area of Lot: 1858 m² (20,000 sq ft)

10.5.2 Front Yard:

(a) adjacent to a municipal street: 7.5 m (24.61 ft)

(b) adjacent to Highway 1A: 38 m (124.67 ft)

10.5.3 Side Yard: 1.5 m (4.92 ft)

10.5.4 Rear Yard: 6 m (19.68 ft)

10.6.0 MAXIMUM LIMITS

10.6.1 Number of Dwelling Units: 0

SECTION 11.0.0 EXISTING CONTROLS AND DATE OF COMMENCEMENT

11.1.0 Land Use Bylaw No. 94 and all amendments thereto are hereby repealed.

11.2.0 This Bylaw comes into effect upon the date of its third reading.

READ A FIRST TIME the 17th day of May 2007

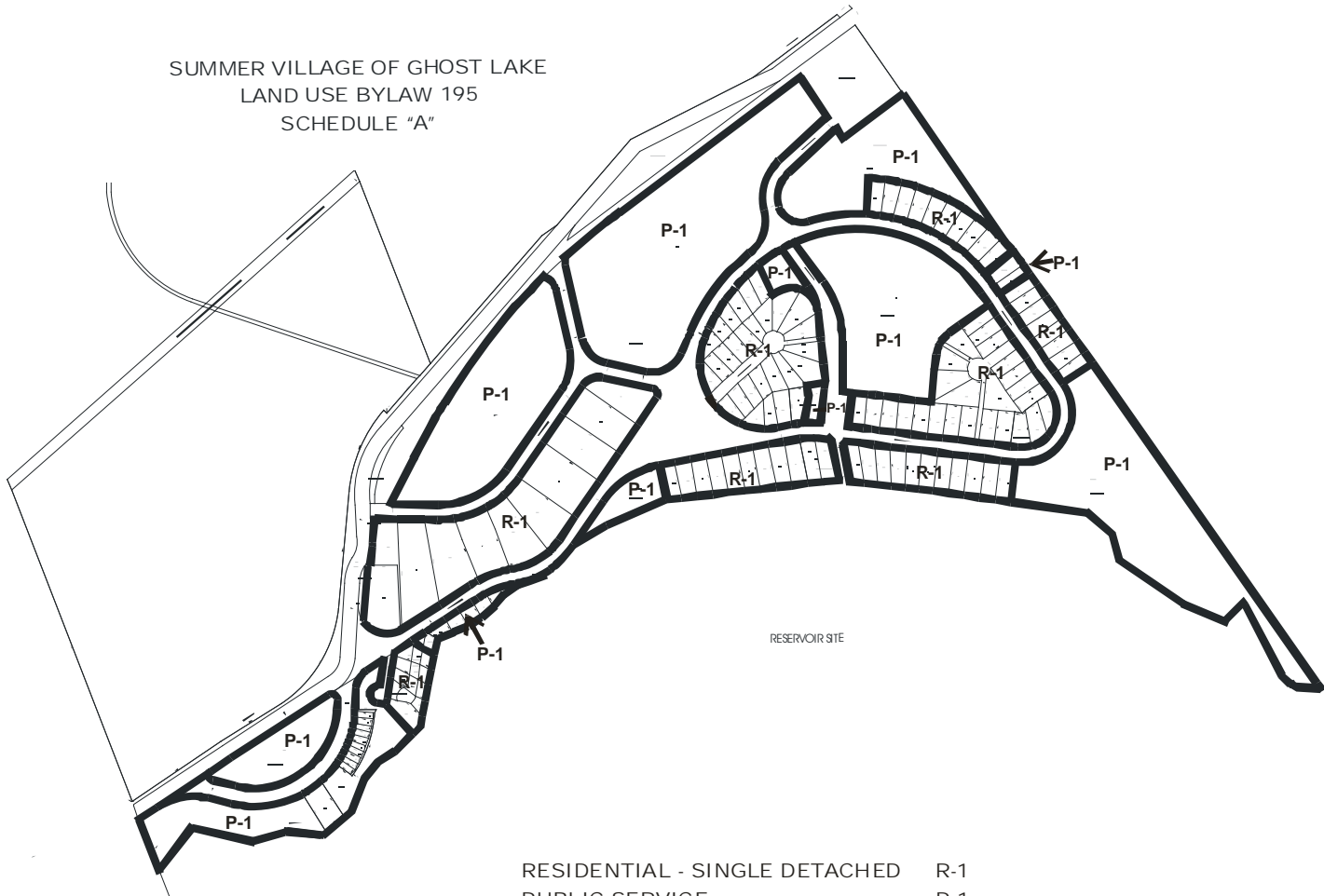
READ A SECOND TIME the 27th day of June 2007

READ A THIRD TIME and finally passed the 27th day of June 2007.

"Ron Kennard"
Mayor

"Sharon Plett"
Chief Administrative Officer

SUMMER VILLAGE OF GHOST LAKE
LAND USE BYLAW 195
SCHEDULE "A"



RESIDENTIAL - SINGLE DETACHED R-1
PUBLIC SERVICE P-1